SINGLE BENCH (1) (3)

C.S.100/-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO.4882/2005

PETITIONER

Chetan Singh Darro, S/o. Late Mahettar Singh Darro, Aged about 39 years, Teacher, R/o. Pakhanjore, Distt. Kanker (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary & Ministry Tribal & Welfare Development Department, Mantralaya, D.K.S. Bhawan Raipur.

2. The Commissioner, Tribal & Welfare Development Department, Raipur (C.G.)

3. The Joint Director, District Education Department, District Kanker (C.G.)

4. The District Education Officer, District Kanker (C.G.)

P.R.No. 4947/05 Presented by Shri Sanjay K. Agrawal dated 21/9/05

WEB COPY 21.9.05 C.E.R.C. H.C. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

उपथ आयुक्त 30/9/05

(34)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 4882/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19.10.2005

Shri Shorabh Jaiswal, counsel for the petitioner and Shri Vivek Sharma, Panel for the State on advance copy.

Heard.

The submission of learned counsel for the petitioner is that the petitioner, who is working on the post of Assistant Teacher, has been transferred from Primary School, Koyalibeda, District Kanker to Primary School, Kanharpur, District Kanker. This transfer was done on his own request. The further submission of learned counsel for the petitioner is that though the transfer order was passed on 30.6.2003 but after the lapse of such a long period, the petitioner has not been relieved. He is constrained to work on the same place of posting.

During the course of arguments, learned counsel for the petitioner makes this statement that the order of transfer dated 30.6.2003, has not been cancelled so far and the same is in existence. He prays for issuance of direction to the authority concerned to relieve the petitioner immediately in pursuance of the aforesaid order of transfer.

On the other hand, learned counsel for the State submits that since the order was passed as back as on 30.6.2003 and considerable period has been lapsed, therefore, there is a possibility of variation or cancellation of order of transfer and any order of this Court pursuant to transfer order dated 30.6.2003 may create anamoly.

SP/FS/2005 - 20,000

(35)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P. No. 4882/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Considering the facts and circumstances of the case, in the opinion of this Court, a conditional order may be passed in this case.

It is hereby directed that if the order of transfer of the petitioner dated 30.6.2003, filed as Annexure-P/1 has not been cancelled, varied or changed in any manner and the same is in existence, the petitioner shall be relieved within a period of 15 days from the date of production of certified copy of this order before the concerned authority.

It is made clear that if the order of transfer of the petitioner dated 30.6.2003 (Annexure-P/1) has already been cancelled, varied, changed or altered in any manner by this time, then this order passed by this Court shall have no force.

The petition stands finally disposed of.

Certified copy as per rules.

Consequently, M.W.P. No. 3922 of 2005 & I.A. No. 8637 of 2005 also stand disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Vathi

SP/FS/2005 - 20,000

24/12/05 12/1/06